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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,713	01/21/2004	Pei-Yuan Lee	17389.30	3703
22913	7590	03/17/2008		
WORKMAN NYDEGGER 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111				
EXAMINER				
CHOI, STEPHEN				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
03/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/761,713

Applicant(s)

LEE, PEI-YUAN

Examiner

Stephen Choi

Art Unit

3724

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6, 11, 14 and 31-47 is/are pending in the application.
- 4a) Of the above claim(s) 43 and 44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6, 11, 14, 31-42 and 45-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statements(s) (PTO/SB/888)
Paper No(s)/Mail Date 12/27/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 27, 2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (hereafter AAPA, see Fig. 2a) in view of Gallagher (US 2,282,758) and Almblad et al. (US 4,651,604).

AAPA discloses the invention substantially as claimed except for the handle member having a polygonal portion and the stopper having a polygonal portion being attachable and detachable with pins penetrating holes on the handle member and the stopper and corresponding holes on a polygonal portion on the transmitting shaft. Gallagher discloses a detachable handle member having a hexagonal shaped recess (e.g., 66) mounted on a hexagonal shaft (e.g., 60). Almblad teaches a handle member

(e.g., 37) detachably secure to a shaft by a pin (e.g., 39) penetrating a hole on the handle member and a hole on the shaft (e.g., Fig. 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a detachable handle member having a hexagonal shaped recess mounted on a hexagonal shaft secured by a pin penetrating a hole on the handle member and a hole on the shaft as taught by Gallagher and Almblad on the device of AAPA in order to facilitate replacement of the handle member. The separation of elements, where removability would be desirable, is a design consideration within the skill of the art. It is noted that the modified device of AAPA is capable of being interchangeable.

In the alternative, if it is argued that AAPA does not disclose a shaft, the modified device of AAPA discloses the invention substantially as claimed except for a shaft. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a shaft on the device of AAPA since the examiner takes Official Notice on the use of shaft as old and well known in the art for the purpose of actuating punches. Chen and Kern show examples.

4. Claims 31-42, and 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Gallagher.

AAPA discloses the invention substantially as claimed except for interchangeable handle member since AAPA is silent as to whether a handle member is detachable. Gallagher discloses a detachable handle member (e.g., 66). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a detachable handle member on the device of AAPA in order to facilitate replacement of

the handle member. The separation of elements, where removability would be desirable, is a design consideration within the skill of the art. It is noted that the modified device of AAPA is capable of being interchangeable. Regarding claims 37 and 46, a stopper (e.g., one of 11 on Figure 2a). Regarding claims 31-36, 38-42, and 47, the modified device of AAPA fails to disclose non-circular portion/a non-circular post on the shaft and a non-circular portion/a non-circular recess on the handle member. However, Gallagher teaches a handle member having a hexagonal shaped recess (e.g., 66) mounted on a hexagonal shaft (e.g., 60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a handle member having a hexagonal shaped recess mounted on a hexagonal shaft as taught by Gallagher on the modified device of AAPA as an alternative punch actuating mechanism.

In the alternative, if it is argued that AAPA does not disclose a shaft, the modified device of AAPA discloses the invention substantially as claimed except for a shaft. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a shaft on the device of AAPA since the examiner takes Official Notice on the use of shaft as old and well known in the art for the purpose of actuating punches. Chen and Kern show examples.

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Choi whose telephone number is 571-272-4504. The examiner can normally be reached on Monday-Thursday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen Choi/
Primary Examiner, Art Unit 3724
28 February 2008